

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 16, 1998
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Dennis Fakes, St. Paul's Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. MOMENT OF SILENCE

Mayor Land asked everyone to join him in a moment of silence in memory of Lodi Police Officer Rick Cromwell who died last week in the line of duty.

5. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) John Johnson with the Lodi Sports Foundation presented Mayor Land with a check in the amount of \$2,000 as the first installment payment on its loan for non-site specific renderings. In addition, Mr. Johnson presented the Mayor with checks in the amount of \$250 each as contributions toward the Boosters of Boys and Girls Sports Organization scholarship fund and the Parks and Recreation scholarship fund for youth activities.
- b) Mike Rouzer with the Greater Lodi Area Youth Commission announced the Teen of the Month, Candace Bertoldi from Tokay High School, and the Honorary Teen of the Month, Jason Yarborough.
- c) Sergeant Christopher W. Gunia with the National Guard made a presentation to the City Council regarding its food drive program.
- d) City Clerk Reimche presented Mayor Land with a Certificate from the League of California Cities (LCC) congratulating the City of Lodi on its 92nd Anniversary.

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,317,372.71.
- b) The minutes of December 1, 1998 (Special Meeting) were approved as written.

Continued December 16, 1998

- c) Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 1999.
- d) Adopted Resolution No. 98-192 awarding the contract for Hazard Elimination and Safety (HES) Grant Intersection Lighting to Pacific Excavation, of Elk Grove, in the amount of \$251,990 and appropriated funds in accordance with staff recommendation.
- e) Adopted Resolution No. 98-182 awarding the contract for Lodi Lake Wading Pool, 1101 West Turner Road to Geremia Pools, Inc., of Sacramento, in the amount of \$131,697.20 (base bid plus Option B) and appropriated funds in accordance with staff recommendation.
- f) Adopted Resolution No. 98-183 accepting the development improvements for Lodi West, Unit No. 3, Tract No. 2659.
- g) Took the following actions with regard to the Towne Ranch, Unit No. 7 development:
 - Approved the final map for Towne Ranch, Unit No. 7, Tract No. 2880, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
 - Appropriated \$2,769.10 for payment for oversize water mains.
- h) Took the following actions with regard to the Millsbridge subdivision:
 - Approved the Addendum to the Improvement Agreement for the Public Improvements of Millsbridge, Tract No. 2788, and directed the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City.
 - Appropriated funds for required reimbursements.
- i) Took the following actions with regard to the Lodi West, Unit No. 5 development and associated off-site public improvements:
 - Approved the final map for Lodi West, Unit No. 5, Tract No. 2898, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
 - Appropriated funds for required fee credits.
- j) Agenda item #E-10 entitled, "Accept the dedication from Donald Wong for property located at 100 East Pine Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- k) Adopted Resolution No. 98-184 approving a Public Benefits Program Grant to the Loel Senior Center (\$32,928.00).
- l) Adopted Resolution No. 98-185 approving a Public Benefits Program Grant to Wallace Computer Services, Inc. for a Phase II Energy Audit for a maximum of \$5,000.
- m) Agenda item #E-13 entitled, "Public Benefits Program – Bank of Lodi Demand-Side Management Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- n) Adopted Resolution No. 98-187 authorizing the City Manager to execute a letter of agreement with the Northern California Power Agency (NCPA) for a \$5,000 matching grant from the Western Area Power Administration.

- o) Adopted Resolution No. 98-188 authorizing the City Manager to execute Exhibit C, Revision 1 to United States of America Department of Energy Western Area Power Administration Contract No. 96-SNR-00110 with the City of Lodi.
 - p) Adopted Resolution No. 98-189 authorizing the City Manager to direct the Northern California Power Agency (NCPA) to use funds held in the NCPA Multiple Capital Facilities Lodi accounts to defease the Multiple Capital Facilities Bonds – Lodi Project (Interconnect) and to return any unused funds to the City of Lodi.
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7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-10 entitled, "Accept the dedication from Donald Wong for property located at 100 East Pine Street".

Community Development Director Bartlam informed the City Council that Mr. and Mrs. Donald Wong submitted a request for the City to consider the acceptance of a dedication of property that they own at 100 East Pine Street. The property contains a commercial building that historically has been used as a restaurant. The Wongs built the building in 1966 to house "The New Shanghi Chinese Restaurant". Mr. Wong desires to see the building used "for the benefit of the citizens of Lodi" and that it not be demolished for at least 10 years. In particular, as indicated in the Wong's letter, they would prefer that senior citizens or youth have the opportunity to use the property.

Pursuant to direction from the City Council, staff has had a Phase I environmental report completed. The results of that report indicate that asbestos is contained within the floor tiles. As a follow-up measure, staff has an estimate of approximately \$10,000 to remove the affected areas. A review of the title report for the property shows a clear history with no encumbrances appearing.

Council Member Hitchcock questioned what the best possible uses for the property would be. City Manager Flynn responded that he would have staff look into the matter.

Following further discussion, the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously authorized the City Manager to accept the property dedication from Donald and Jannie Wong for property located at 100 East Pine Street and to record the deed prior to December 31, 1998.

- b) Agenda item #E-13 entitled, "Public Benefits Program – Bank of Lodi Demand-Side Management Project".

The Manager of Rates & Resources, Jack Stone, reminded the City Council that during the November 17, 1998 Shirtsleeve Session, the Electric Utility Department presented an overview of the Public Benefits Program (PBP) and proposed expenditure of funds for various PBP candidate projects.

As indicated in the Council Communication for the above meeting, several proposed qualifying projects would be presented to the Council for its consideration prior to the end of calendar year 1998. An addition to the original near-term list is a Demand-Side Management project at the Lodi headquarters of the Bank of Lodi. Electric Utility Department staff and its consultant Energy Masters, Inc. will work closely with the customer to insure maximum energy efficiency, cost savings and reliability benefits are realized from the work undertaken.

It is expected that a portion of the upgrades will also be applicable to other Bank of Lodi facilities and to other City of Lodi electrical customers.

Manager of Rates & Resources Stone, provided further information regarding this matter and answered questions as were posed by the City Council. Mayor Land suggested that the Electric Utility Department meet with the new Council Members and bring them up to speed regarding the Public Benefits Program.

The City Council, on motion of Council Member Hitchcock, Mann second, unanimously adopted Resolution No. 98-186 approving a Public Benefits Program grant to the Bank of Lodi to fund a Demand-Side Management Project (up to \$75,000 pending final engineering review).

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider appeal received from Tim and Emily Howard regarding Planning Commission's decision on Use Permit #98-07, Lodi Memorial Hospital.

Due to a conflict of interest, Mayor Pro Tempore Mann abstained from discussion and voting on the subject matter.

The following staff report was made by Community Development Director Bartlam who presented diagrams of the subject area and responded to questions as were posed by members of the City Council.

The Appeal

The City Clerk's office received a formal appeal from Tim and Emily Howard on October 21, 1998. Mr. and Mrs. Howard reside at 852 Alder Place and are serving as the representatives of the Alder Place residents. The formal appeal identifies concerns presented in two letters to the Planning Commission and in one letter from CCS Planning and Engineering. The appellant also points to a 1990 survey map of the subject property indicating parking spaces, among other things, at the north east corner of the property formerly owned by the hospital. Finally, the appellant is under the belief that the project did not receive proper review under the California Environmental Quality Act (CEQA).

The Project Proposal

The proposed project is an expansion of the parking facilities to serve the on-site medical offices and dialysis unit at the existing Lodi Memorial Hospital West Campus. The medical offices operate weekdays from 8:00 a.m. to 5:00 p.m. and Lodi Dialysis operates Monday through Saturday from 6:00 a.m. to 6:00 p.m. The proposed area of work is roughly .60 acres and is located at the corner of West Vine Street and Alder Place. Upon completion of the work, there will be a net increase of 49 parking spaces along with a new ingress/egress onto Alder Place. Access from both West Vine Street and Alder Place will provide adequate circulation within and through the parking lot. In addition to the new paved area, there will be new parking lot lighting and new landscaping to screen the parking area from the homes across Alder Place. Finally, the "hot tub" planter on the north west corner of West Vine and Alder Place will be removed and replaced with curb, gutter and sidewalk, and the existing driveway cut in the curb along West Vine Street will be removed.

Planning Commission Action

The Planning Commission conducted a Public Hearing on this item on October 14, 1998, at which time the Commission approved the Use Permit. Originally, the hearing was scheduled several weeks prior to this date; however, two continuances were granted by the Commission to give the proponent and the neighbors an opportunity to meet and try and reach an agreement acceptable to both parties. The hospital wants to utilize the

Alder Place frontage to access their parking lot, while the residents are adamantly opposed to any access off Alder Place. This is the central issue of concern.

During the public comments portion of the meeting, the Commission heard complaints from several residents living on the east side of Alder Place. In addition, the Community Development Department received numerous letters from these same residents opposing the project. Their opposition centered on the proposed access points serving the parking lot from the Alder Place private driveway.

In reviewing the proposal, staff discussed several aspects of the parking lot design. The culmination of our review resulted in several recommendations to the Planning Commission. Staff's recommendations were approved by the Commission and are embodied by Resolution No. 98-17. Among the required conditions within the Resolution are that the project utilize a bermed landscaping strip along the edge of the parking lot, as well as along the entire length of Alder Place to mitigate any visual impacts on the residents, that a new drainage system for the parking lot be connected to the existing on-site drainage system, and that one of the indicated new driveways be removed.

History of the Site

Lodi Memorial Hospital West Campus has been in existence at its current location since approximately 1965, though it was originally developed in the county and was known as Community Hospital. Originally, the hospital was located at 800 South Lower Sacramento Road, on the corner of Lower Sacramento and West Vine Street. It wasn't until about 1979 that the hospital expanded to the adjacent site at 2415 West Vine Street. Because of the proximity to the Lodi City limits, the Lodi Planning Commission was consulted during the Use Permit approval process, and during subsequent expansions, City of Lodi Planning, Public Works and the Site Plan and Architectural Review Committee (SPARC) continued to review the site. In 1975, Community Hospital was annexed to the City of Lodi, and 34.7 acres of land were rezoned R-CP, Residential, Commercial Professional. Today, the land bordered by Lower Sacramento Road on the west, Cochran Road on the north, the rear of the Alder Place residential lots on the east, and West Vine Street on the south (approximately 14 acres) remains zoned for residential, commercial-professional uses. A breakdown of property still owned by the hospital is as follows. The total size of the hospital property today is about 8.74 acres. The corner of Lower Sacramento and West Vine (the original hospital site) is roughly 4.9 acres. Just to the east is a 1.3 acre property containing the medical office complex. The remaining vacant land, including the area of the proposed parking lot covers approximately 2.65 acres.

Access to and through the hospital property has been an ongoing concern for the hospital. There has historically been a shortage of parking for the complex, and circulation has been problematic for many years. To meet the City's current parking standard, the hospital would need to have another 24 on-site spaces to serve both the offices and the hospital. Furthermore, when an emergency department was added in 1982, the west campus became a full service treatment center, creating still other challenges. A road or driveway was added at this time to provide the necessary access for supply trucks and other vehicles to service the hospital. The road connected with a through street called Community Drive, which would later become the private drive that is now Alder Place.

When the hospital's main complex on Fairmont Avenue came on line, the west campus became primarily an after-care recovery facility (which it still is today) along with doctor's offices. Since then, the service road has been used only on occasion. Recently, some problems have arisen surrounding the service driveway, particularly with trucks driving around the locked gate stirring up dust.

ANALYSIS

Appellant Concerns

The appellants have requested that the City respond to several issues raised in letters to Lodi Memorial Hospital and to the Planning Commission, to a traffic analysis prepared on behalf of the residents by CCS Planning and Engineering, and to their contention that this project did not conform to review requirements under the California Environmental Quality Act (CEQA).

1. In a letter written to Lodi Memorial Hospital dated September 18, 1998, Mrs. Emily Howard outlines her concern about some of the hospital's internal policies. She asserts that this project is inconsistent with the hospital's stated desire to maintain community partnerships. The City of Lodi cannot respond to issues addressed to Lodi Memorial Hospital.
2. Another letter written by Mr. and Mrs. Howard dated September 23, 1998, addressed to the Planning Commission outlines their concerns about safety to life and property stemming from the proposed parking lot. According to the Howard's, the following adverse consequences will result if the parking lot is built.
 - a) Safety of children living on Alder Place will be compromised.
 - b) Security of residents will be jeopardized.
 - c) Garbage collection would be hindered.
 - d) Getting daily mail would be an unnecessary hazard.
 - e) Additional noise would be offensive.
 - f) The residents' night sky would be compromised.
 - g) Increased storm runoff would create increased potential for flooding.
 - h) Increased risk of pet injury.
3. The traffic study done by CCS Planning and Engineering makes three determinations about the project proposal: that the increased traffic on Alder would create a significant impact, that a driveway on Alder Place is unnecessary from a circulation and capacity standpoint, and that traffic other than residential traffic should not be placed on residential cul-de-sacs.

Staff Response to Appellant Concerns

First and foremost, staff's recommendation to the Council is that we cannot deny Lodi Memorial Hospital the use of Alder Place, which is owned, in part, by the hospital. To do so would expose the City to the real possibility of inverse condemnation litigation. Historical records, including a "Joint Access Easement", a "Street Maintenance Agreement", and documents reflecting a shared financial responsibility for maintenance costs by both the residents of Alder Place and Lodi Memorial, provide a very accurate portrait of the ownership and access rights questions at the crux of this matter. To deny the hospital access to their drive would be denying them an existing legal right. In approximately 1980 when the former Doctor's Hospital sold the land on the east side of Alder Place for homes, Community Drive had already been transformed into Alder Place, a private drive serving the residences on the east, and the hospital on the west. Shared ownership and access was a moot point from that time forward. In effect, the hospital already has a drive access to their property from West Vine Street. It happens to be named Alder Place.

In addition to the overriding concern about infringing on the hospital's ability to utilize Alder Place, there is the issue of possible adverse impacts associated with installation of a new parking lot at this location. In fact, the parking lot will not generate additional traffic as there are no additional structures or square footage proposed. Upon completion, there will be no more cars than there were before the project. And contrary to Mr. and Mrs.

Howard's point of view, staff does not believe the project to be injurious to life, which means that according to the laws under which CEQA operates, no significant impacts will result. The statute is clear when exempting this "small parking lot" project from further review under CEQA. To imply such things as the night sky being compromised, the retrieving of mail to be hazardous, and pets' lives being endangered, is not in keeping with like situations in other parts of the City, particularly where zoning permits such activities.

The traffic study done by CCS Planning and Engineering concludes that the parking lot project will have significant traffic related impacts, especially related to the ingress/egress onto Alder Place. Using the hospital's figures, and with the help of the City's Traffic Engineer, staff has determined that a total of 320 daily trips are being generated by the office complex. These are not peak hour trips, meaning the trips are not seen more at one particular time of day; rather, the medical offices see clients steadily throughout the day.

According to City standards, Alder Place was constructed to handle between 500 and 4,000 daily trips. The capacity of Alder Place far exceeds any additional load that will be placed on it as a result of the parking lot, even if it absorbed the full 320 daily trips. In all likelihood, the number of new trips on Alder Place will be less than 160 because the present and future distribution of parking spaces is evenly divided in proximity to the driveway locations. A majority of patients will continue to enter the office complex from West Vine Street, as the majority of parking spaces will still be located west of the Vine Street driveways.

CCS also stated that the proposed parking lot cannot justify a drive on Alder Place from either a capacity or circulation standpoint. To support this contention, they cite the fact that West Vine Street is currently operating at a Level of Service (LOS) of A (traffic flow is unimpeded). As a minor collector, West Vine Street has a capacity of between 4,000 and 10,000 vehicles per day, and it currently carries approximately 3,000 vehicles per day. What CCS fails to point out is the degree to which the Vine Street driveways may not continue to function adequately at a future build-out condition (more than 10,000 vehicles per day) on West Vine Street. Cars trying to exit onto West Vine Street from the existing driveways may endure much longer waits than estimated as well as longer queues than two to three vehicles.

Finally, CCS contends that Alder Place is classified as a residential street. In fact, Alder Place is classified as a private road. This private road is currently carrying only traffic generated by the residents, or approximately 134 daily trips as per CCS (the calculation should be 140, or 10 trips per residence). According to CCS, the projected increase of traffic as a result of the parking lot connecting to Alder Place would adversely affect the residents from a neighborhood and quality of life standpoint. Traffic analyses usually do not look at subjective factors in determining adverse impacts; therefore, staff does not agree with such findings. Furthermore, staff is comfortable placing traffic other than residential traffic on Alder Place since it was designed to serve both the residents and the hospital, and was not envisioned as a residential cul-de-sac. Moreover, if the remaining vacant property owned by the hospital were used for single family residences, an additional 14 homes could be built which would generate 140 daily trips on Alder Place, duplicating the current traffic load. As previously discussed, the number of trips anticipated under a worst case scenario would be a 20 trip difference from the alternative buildout (parking lot at 160 daily trips). Such a small number strengthens staff's contention of insignificant affect.

In response to a need for more information, Lodi Memorial Hospital has contracted with KD Anderson Transportation Engineers to prepare a traffic impact assessment for the proposed parking lot project. Staff received a copy of this report late in the review process, on December 7, 1998. The general conclusion of the traffic report is, that above

and beyond any traffic generation numbers or levels of service, the most important issue to be considered is the function of Alder Place. As a street designed and planned to serve the mixed uses approved for the R-CP zone, it will function, as proposed, with no significant impact.

To reiterate, staff's position and recommendation to the City Council is that the City cannot deny the hospital the use of its property by prohibiting the use of Alder Place, a private drive. A hospital is an allowed use in the R-CP zone with a Use Permit. The Planning Commission has exercised its ability to condition the request so as to minimize any possible adverse impacts on the neighborhood, and so that the proposed project is in keeping with the general public welfare. Therefore, the recommendation is to deny the appeal to overturn the Planning Commission's approval of the proposed parking lot.

Hearing Opened to the Public

1. Mayor Land referenced a letter that had been received from Mrs. Helen Mason, 848 Alder Place, Lodi, indicating that she had lived there for 6 months and it now appears to her that the hospital waited until all of the homes were sold and then pulled the rug out from under residents of the subject area.
2. Thomas Patterson, 868 Alder Place, Lodi, spoke in opposition to the permit stating that he objected to the proposed 3-foot wall or berm stating that vehicle's lights will point into windows of the homes in the area. He also stated that he had been told at the time he purchased his home that the Realtors were going to try to buy the property and that the hospital is not ambulatory so it probably would not expand.
3. Valerie Patterson, 868 Alder Place, Lodi, spoke in opposition for safety reasons stating that children in the area as well as visiting children play on this private road. If this is allowed to go through, the area will no longer be safe for children. Mrs. Patterson asked why the vehicles couldn't enter and exit on Vine Street instead of using access from Alder Place.
4. Emily Howard, 852 Alder Place, Lodi, stated that she lives directly across from the proposed parking lot access. She also expressed her concern regarding safety issues. She suggested that Council consider access from Lower Sacramento Road or a modification to the Vine Street parking accesses instead of Alder Place.
5. Tim Howard, 852 Alder Place, Lodi, echoed his wife's comments. Mr. Howard presented a diagram of a proposed 6-foot wall with a 10-foot set back, and further proposed a gate be installed across the driveway limiting access during the hours of 6:00 a.m. to 6:00 p.m. Mr. Howard stated that he had met with Mr. Harrington, Chief Executive Officer of the hospital, attempting to work out a compromise solution. Mr. Howard stated that he felt the above described proposal would help to mitigate their concerns. Finally, he addressed the subject of liability should this Use Permit be granted.
6. Mr. Terry Piazza, 323 West Elm Street, Lodi, spoke in favor of the Use Permit stating that he resented the implication that the hospital has not attempted to work with the neighbors. Mr. Piazza stated that the hospital had agreed to eliminate one driveway and agreed to additional landscaping. Mr. Piazza also indicated that the proposed 6-foot wall would be expensive and would not correct the problem. Mr. Piazza concluded his remarks by stating that the hospital has the right to this property and asked that they not be denied the use of it or be saddled with unfeasible restraints.

7. John Barkley, Vice Chair of Lodi Memorial Hospital Board of Directors, stated that they had hoped residents might favor this parking lot over what is presently there. He stated that the hospital is here to serve the citizens of this community and they are uncomfortable in making the residents upset. Mr. Barkley stated that they are sensitive to residents' concerns; however, they believe the mistake may have been made long ago. The hospital owns to the middle of the roadway. He further stated that the hospital has granted reciprocal easements back and forth, giving them the right to use their half and they us. The use of the roadway is by agreement between residents and the hospital. Mr. Barkley stated that they believe they have the right to use the roadway.

Public Portion of Hearing Closed

ACTION:

A lengthy discussion followed with questions regarding the matter being directed by members of the City Council to staff and to those who presented testimony.

Council Member Hitchcock made a motion that the Council approve the parking lot with access through the existing cutout on Vine Street indicating that there would have to be design modifications. The motion died for lack of a second.

Following additional discussion, the City Council, on motion of Council Member Pennino, Nakanishi second, moved that the City Council deny the appeal from Tim and Emily Howard regarding the Planning Commission's approval of Use Permit #98-07, thereby permitting the expansion of the parking lot at Lodi Memorial Hospital's West Campus, located at 2407 West Vine Street with the caveat that a gate be placed at the Alder Place entrance which is to be kept closed except during regular business hours by the following vote:

Ayes: Council Members – Pennino, Nakanishi and Land (Mayor)
Noes: Council Members – Hitchcock
Absent: Council Members – None
Abstain: Council Members – Mann

9. RECESS

Mayor Land called for a ten-minute recess and the City Council meeting reconvened at approximately 9:15 p.m.

10. PUBLIC HEARINGS (Continued)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider appeal received from Richard Gerlack, et al. regarding Planning Commission's decision on Negative Declaration #98-09 and Growth Management Plan #GM98001, Vintners Square Apartments, 1265 Lower Sacramento Road.

The matter was introduced by Community Development Director Bartlam who presented the following staff report regarding the matter and diagrams of the subject area. Public Works Director Prima addressed the City Council regarding Lower Sacramento Road improvements. Mr. Bartlam and Mr. Prima responded to questions regarding the matter as were posed by members of the City Council.

The Vintner's Square Apartment Complex Development Plan is located at 1265 Lower Sacramento Road. The area of the development plan encompasses approximately 12

acres and is zoned R-2, Residential Single-Family. The development plan is bordered by Taylor Road to the north, future development of the proposed Vintner's Square Shopping Center to the south, Lower Sacramento Road as the eastern boundary, and agricultural land in the county making up the western boundary.

The project includes a total of two hundred apartment units, an office and recreation building, two swimming pools and two tot-lots. The 200 units will be developed throughout the 12-acre site within fifteen separate two-story buildings. One hundred of the apartment units will be single bedroom, \pm 580 square feet in size. The remaining 100 units will be two bedroom, \pm 850 square feet in size. The Planning Commission added a condition to their approval, "That three bedroom units be added to the project. The number and location shall be determined by staff with approval of Site Plan and Architectural Review Committee (SPARC)." Four hundred fifteen off-street parking spaces are proposed, with 200 of the total consisting of carports. The proposed number of parking spaces exceeds the City's parking requirement of two parking spaces per dwelling unit. The 200 carport spaces have been provided when none are required.

The main entrance to the apartment complex will connect to a private driveway that will intersect with a new traffic signal on Lower Sacramento Road. The traffic signal on Lower Sacramento Road will be located approximately 690 feet north of the centerline of Kettleman Lane. The signal will serve the complex as well as the eventual development of the shopping centers on both the northwest and northeast corners of the Kettleman Lane and Lower Sacramento Road intersection. Secondary access to the complex is proposed to be from a driveway on Taylor Road approximately 300 feet from Lower Sacramento Road. Although it is not required with the development of this project, the City's Circulation Master Plan includes a public street connecting Taylor Road to a traffic signal on Kettleman Lane. As specified by Caltrans the traffic signal will be located a minimum of 1,000 feet west of Lower Sacramento Road. The new public street will be installed upon future development of the Shopping Center to the south and will intersect Taylor Road west of the apartment complex. The complex has been conditioned to provide a driveway to the future street when it is developed. Traffic within the project will be along 25-foot wide private driveways flanked by parking stalls and carports. The project is a gated community so no public traffic will travel through the project from Taylor Road to the Shopping Center.

The development plan is proposed at approximately 17 dwelling units per acre with 22% lot coverage from the apartment buildings, office/recreation building and carports; with 26% lot coverage from parking and driveways; and with 52% of the remainder of the land consisting of landscaping and recreation areas. To put the project's density and general character in perspective comparisons may be made with the Fountains apartment complex on Sylvan Way or the Woodlake apartment complex on Eilers Lane. The design of the complex is consistent with the proposed R-MD, Residential Medium-Density zoning; however, it is not consistent with the existing R-2, Single-Family zoning. Pre-zoning and annexation in 1996 established the low-density zoning as part of the Crossroads Reorganization/Annexation. If the development plan is approved, further approvals of a general plan amendment from LDR, Low-Density Residential to MDR, Medium-Density Residential, and a zone change from R-2, Residential Single-Family to R-MD, Residential Medium-Density will be required.

Planning Commission Action

This development plan was reviewed by the Planning Commission at a regularly scheduled public hearing on October 14, 1998 to consider approval of this year's Growth Management Development Plan applications as well as the project's subsequent requests for building permit allocations. The project was presented to the Planning Commission in detail by staff and was discussed amongst the Commissioners at length. Members of the

neighboring community were present to voice their concerns about impacts on traffic, on property values, schools, the general rural atmosphere of Taylor Road and the quality of the project itself. The Planning Commission took all of the concerns of the neighboring community into consideration when making their decision to approve the project with conditions as recommended by staff.

The Planning Commission based their approval of the project on facts that will be outlined in the remaining sections of this report. We believe the Planning Commission approved the Development Plan because it is conditioned to install all of the required infrastructure, it is designed to be sensitive to the surrounding neighborhood, the design and architecture will be reviewed in further detail by the SPARC, and most importantly because it suits the City's goals to provide alternative housing in an ideal location which is mandated in the City's General Plan.

ANALYSIS

The Vintner's Square Apartment Complex was first introduced to staff as a high-density apartment complex with 241 units and three story buildings. The design had small setbacks and unrealistic plans to have its main access directly to Lower Sacramento Road. Staff discussions with the applicant helped to resolve major design issues that make it more realistic and an asset to the community. A few notable design features are: a 50-foot landscaped setback along Taylor Road and the south and west boundaries, and that the main project entry access a traffic signal.

The project area land use was established a couple of years ago as low-density single-family residential. The project area at that time was outside of the City limits but within the City's General Plan sphere of influence. The land was designated PR, Planned Residential. The PR land use designation includes all undeveloped land outside of the City limits that was found to be necessary to meet the future demand for the development of low, medium or high-density residences as well as parks and public uses. The PR land use designation establishes the general use of residential without specifying whether the density is to be low, medium or high. One could ask, "If all of the land designated PR in the General Plan does not have a specific density, how do we determine how much land is necessary and what locations are best for certain densities?" The General Plan Land Use and Growth Management Element and Housing Element both provide direction on how much of the land designated PR should be used for low, medium and high density development, and the ideal locations for it. The General Plan policies from the Circulation Element and Parks and Recreation Element also provide this direction.

From these four elements there are many policies that are the mandates the City has placed upon itself for its logical and planned development to the year 2007. Not only do the policies provide a guideline, but also many have been adopted to ensure that the City is in conformance with State and Federally mandated housing requirements.

The policies were established back in 1991 with the General Plan and have since been implemented as an integral part of the City's Growth Management Ordinance. The Growth Management Ordinance has been in effect for the past 7 years; however, the City has not been able to attract any multiple-family developments. The review of this project's development plan is required by the Growth Management Ordinance, which was established by direction from the General Plan. The City is simply not meeting its goals and this project is an opportunity to provide for what has been neglected.

Although the land of the project site was originally assigned a low-density residential zoning and land use designation, approval of this project and its subsequent zone and land use changes to medium-density will not be in conflict with the goals and policies in the General Plan.

Traffic Concerns

When the apartment project was originally introduced to staff, we had many concerns with its design. One of our primary issues was with how the design would impact traffic in the immediate area. Due to our concerns we were able to work with the applicant to redesign the project to remove direct access to Lower Sacramento Road and limit access to Taylor Road. Because of the nature of an apartment complex, staff was able to suggest that the applicant design the complex with its main driveway connecting to the signalized intersection on Lower Sacramento Road. To further remove the potential traffic impact on Taylor Road, staff included a condition of approval to design the westernmost access to Taylor Road as an emergency vehicle access only, and to prepare an access point to the public street that will eventually be located near the western boundary of the project site. We believe that these design options are not possible with a single-family subdivision.

The existing low-density residential zoning is configured in a narrow "L" shape that would be very difficult to subdivide into a marketable single-family residential subdivision. The irregular shape of the property would make it difficult to design without requiring a reverse frontage situation on Taylor and Lower Sacramento Roads. It would also create undesirable traffic situations where access to the subdivision would likely be from streets intersecting Taylor Road and a street accessing Kettleman Lane. We believe the development of a single-family residential subdivision would put more traffic on Taylor Road than the project proposal.

A traffic assessment was performed by KD Anderson Transportation Engineers to compare the amount of traffic that would be generated by the proposed apartment complex and development under the existing low-density residential designation. The number of daily trips are close with around 1,326 from the apartment complex and around 1,190 for the 17-acres of low-density residential. The study compared the morning and evening (peak-hour) trips and also found them to be close. From the study one should find that the development of either the apartment complex or the low-density residential subdivision would create nearly equal traffic impacts. One issue that the traffic study does not point out is that the apartment complex is designed with its main driveway accessing a traffic signal. This option would not be available for the development of a single-family residential subdivision.

Another policy of the General Plan's Land Use and Growth Management Element that relates to both land use and circulation is that "the City shall encourage higher density housing to be located in areas served by the full range of urban services, preferably along collector, arterial and major arterial streets, and within walking distance of shopping areas." Six travel lanes with a median are proposed along the length of Lower Sacramento Road within the City limits as part of the "Special Purpose Plan for Lower Sacramento Road". Please note that the "Special Purpose Plan for Lower Sacramento Road" and its design criteria were established to meet the traffic needs of the community and were not modified to accommodate the proposed apartment complex. Given that the project site is located adjacent to a large thoroughfare and that it is as near as one could expect multiple-family housing to be located to the full range of urban services, we find that the property is more appropriate for the development of the project proposal than for single-family homes.

Due to the importance of the circulation system, there are many conditions within the resolution pertaining to the installation of infrastructure.

Public Concerns

As stated briefly in the Planning Commission review section above, concerns from members of the neighboring community were expressed. Staff's recommendation is based on a complete analysis of the project taking into consideration the environmental, local and Citywide impacts and benefits. We understand and embrace the concerns of the Community and would like to provide some brief responses to their questions and concerns.

A major concern of the neighboring residents is that the project will create traffic impacts. We would agree that the development of this project could have an impact on the existing traffic of the project area if there were no plan for additional improvements. However, the City's Circulation Master Plan and Specific Plan for Lower Sacramento Road specifies that Lower Sacramento Road from Turner Road to Kettleman Lane be designed as a major thoroughfare. This project is conditioned to provide this planned infrastructure including, curb, gutter, sidewalk and additional right-of-way on the west side of Lower Sacramento Road, as well as the traffic signal for its main driveway. Furthermore, it is important to know that Lower Sacramento Road in the project area will be installed according to these plans whether this or another project is approved.

We believe that the concern of neighbors that the presence of apartments will lower their property values is unfounded. We believe there is no correlation between the location of an apartment project and the value of nearby residences. Staff believes that the applicant is committed to developing a quality project with the management necessary to maintain a quality project that will be an asset to our community.

Another concern of the neighbors is that the apartments would impact City schools. Whether the project area develops as an apartment complex or single-family residences, either will produce school age children. The Lodi Unified School District is empowered to decide whether a development project will significantly impact their ability to provide facilities, and the school district has made no such comment about this project. The applicant has an approved agreement with the school district to provide school facilities funding. The school district has stated that this agreement is sufficient.

Staff shares the concern of the neighbors about the quality of the proposed project and for this reason we have worked very closely with the applicants to help them design a project that exceeds every City standard. In addition to the proposed design, which we believe fosters a quality project, the design will be reviewed by SPARC for the details of its architecture, landscape and construction materials.

Finally, staff would like to comment on the neighborhood concerns about impacts on the general rural atmosphere of Taylor Road. Numerous public hearings have been held with regard to the future development of the subject property dating back to the early 90's when the property was included in the City's General Plan. The City has since held public hearings on the annexation of the land and its subsequent general plan amendment and rezoning. Given the property's location, its future development whether low or medium-density is inevitable.

Once again, staff would emphasize that the City's General Plan has many goals and policies that apply to the issues as related to the approval and development of this project. In fact, staff is hard pressed to find General Plan policies that would favor opposition to this project.

Given the location of the project, its well thought out design, and the need in the City of multiple-family housing, we believe approval of this development plan and its subsequent change from low to medium-density is a good planning decision.

Hearing Opened to the Public

1. Janet Berreth, 15509 Hilde Lane, Lodi, stated that they had purchased their home as a retirement home and cited her concern that the only access for the proposed project is out of Taylor Road. Mrs. Berreth stated that her biggest concern is traffic.

2. Tim Bertsch, 2410 St. Moritz Drive, Lodi, also expressed his concerns regarding traffic and about school children having to cross Lower Sacramento Road. Mr. Bertsch stated that if the City is going to have a Master Plan, why doesn't it follow it. He further indicated that he felt there were too many unanswered questions.
3. Paul Ertman, 2428 St. Moritz Drive, Lodi, stated that traffic would be unacceptable and that congestion is of a primary concern. He further stated that this project would have a negative impact on the area and that consideration for a project of this type should be focused on other areas.
4. Rick Gerlack, 16 East Taylor Road, Lodi, presented a petition bearing approximately 80 signatures reading as follows:

"We the undersigned would like to have our opinion heard pertaining to the development of Vintners Square Apartments Complex.

We oppose this project for the following reasons:

- a) The significant amount of vehicles added accessing Lower Sacramento Road, which in turn generates less accessibility to and from St. Moritz Drive from the Sunwest Subdivision.
- b) Traffic and pedestrian safety due to the greater traffic flow.
- c) There would be a foreboding impact to the surrounding home values. We would like to keep an essence of quality to the Sunwest Subdivision and encompassing area."

Mr. Gerlack indicated his concern that in 1995-96 the subject area was zoned for low density and now the proposed apartment project is a revision to medium density. Mr. Gerlack also indicated his concern regarding private wells located in the Taylor Road area and about traffic.

5. Leland Fry, 485 East Taylor Road, Lodi, stated that he has lived on Taylor Road since 1952. Mr. Fry stated that he is concerned with an inadequate Lower Sacramento Road being further jammed by more residents prior to upgrading the road. He further stated that he also fears that as soon as the project is completed, it will be put up for sale.
6. Bruce Lattimer, 2420 S. Moritz Drive, Lodi, stated that he would hate to think that the City is looking at this project more as a means to widen Lower Sacramento Road than at the big picture. He further stated that there has been no mention of all of the additional traffic, which will be created by the development of the new shopping center. Mr. Lattimer spoke about the impact children from this project would impose on an already overcrowded school system. Mr. Lattimer stated that he feels this project is ill conceived especially at this time.
7. Janie Williams, 6132 East Woodbridge Road, Lodi, indicated that her family home is on Taylor Road and agrees with everything that was stated in previous testimony regarding this matter. She urged the Council to make a good and sound decision.
8. Mr. Dave Williams, 1100 Interlaken, Lodi, stated that if the project goes forward he is fearful of traffic cutting through their neighborhood rather than face traffic on Lower Sacramento Road. Mr. Williams stated that improvements should be made on Lower Sacramento Road between Turner Road and Kettleman Lane prior to this project or any other project in the subject area going forward.

9. Kathy Williams, 1100 Interlaken, Lodi, pleaded with the Council to think about the residents of Taylor Road and the Sun West areas when considering their decision.
10. Dale Gillespie, G-REM Corporation Representative, 1054 East Woodbridge Road, Lodi, spoke at length about the proposed project and responded to specific points addressed by the opponents to the project. Mr. Gillespie then presented a series of diagrams of the proposed complex. Mr. Gillespie then responded to questions as were posed by members of the City Council.
11. Jack Pereira, 2423 S. Moritz Drive, Lodi, stated that he had moved to Lodi for quality of life and he feels that by building this complex near his home, it will be taking away from his quality of life. Mr. Pereira stated that he feels apartment dwellers are a negative type. He also is concerned about traffic issues.
12. Lorie Rinkey, 2426 Brittany Court, Lodi, disagreed with Mr. Gillespie's report concerning property values and suggested that the City wait until a school bond issue passes before going forward with a project of this type.
13. Steve Culbertson, 3008 Rosewood Drive, Lodi, stated that he operates a business on Taylor Road and urged the Council to think about the whole situation and the impact further residents would have on traffic on Lower Sacramento Road.
14. Mike Schmierer, 2437 Brittany Court, Lodi, suggested that the City look at the apartment complex called "The Fountains" on Sylvan Way. He stated that he does not believe this project would be a benefit to Lodi and asked who would like to have an apartment complex like this built next to their home?

Public Portion of Hearing Closed

ACTION:

Additional Council discussion followed with questions being directed to staff.

The City Council, on motion of Mayor Land, Nakanishi second, unanimously granted the appeal received from Richard Gerlack, et al, regarding the Planning Commission's decision on Negative Declaration No. 98-09 and Growth Management Plan #GM98001, Vintner's Square Apartments, 1265 Lower Sacramento Road.

11. VOTE TO CONTINUE WITH REMAINDER OF MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

12. RECESS

Mayor Land called for a ten-minute recess, and the City Council meeting reconvened at approximately 12:05 a.m.

13. PUBLIC HEARINGS (Continued)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider Planning Commission's recommendation that the City Council adopt the Growth Management Allocations.

Community Development Director Bartlam informed the City Council that each year the City has the ability to award residential building permits for a projected 2% growth in population for the current year. This year the City has 415 residential building permits to allocate. Of the 415 permits, 65% (or 270) are for single-family residential units, 10% (or 42) are for medium-density residential units such as duplexes and townhouses, and 25% (or 104) are for high-density residential units such as apartments.

This year the Planning Commission is recommending that the City use its authority to expire allocations on projects that have not met their timelines as established in their approved development schedules. From the adoption of the City's Growth Management Ordinance back in 1991, the City has not expired allocations from any projects. Many allocations have been voluntarily forfeited in exchange for different densities, but none have been expired. This year there are three projects that have not met their development schedules and furthermore, have expired tentative subdivision maps.

There are two projects which have requested single-family allocations and 2 that have requested medium-density allocations. There are also two recommended expirations of single-family allocations, and one recommended expiration and one forfeiture of medium-density allocations. The City has received 101 single-family allocation requests and there are 405 available as well as 203 medium-density allocation requests for which 212 are available.

The 405 single-family allocations come from the 270 of this year's lot, 30 which were not awarded last year, 100 from Lodi Estates, which is one of the projects that we are recommending expiration of allocations, and 5 from Fugazi Brothers/Hutchins Village, which is the other project that we are recommending expiration of allocations. The 212 medium-density allocations come from the 42 of this year's lot, 63 of which were not awarded in the previous years, 50 from Bridgehaven, which is one of the projects that we are recommending expiration of allocations, and 57 being forfeited by Lodi West as part of its redesign as a low-density subdivision. None of the expiration requests were protested; however, the Planning Commission at the request of the representative of the owner continued the recommended expirations for the Lodi Estates project. The Lodi Estates representative later confirmed that the owner would not contest the expirations based on information he obtained from City staff that the allocations could be obtained in the future for a revised project. The continued item was approved by the Planning Commission as originally introduced by staff.

All developers requesting allocations submitted an application stating the number of allocations they are seeking to obtain. The projects are scored on a set of criteria previously established by City ordinance. The highest scoring projects have the greatest change of receiving their allocation request, the lowest scoring, the least chance. This year the number of allocation requests did not exceed the amount available. Competitive scoring, in this instance, did not effect a projects ability to obtain allocations.

Following the Public Hearing, the Planning Commission adopted the following list of Growth Management allocations:

<u>Single Family Requests</u>	<u>Requested 1998 Allocations</u>	<u>Recommended 1998 Allocations</u>
Lodi Estates	EXPIRE	-100
Fugazi Brothers	EXPIRE	-5
Lodi West	41	41
Sasaki Property	60	60
TOTAL	101	101

Medium Density Requests

Bridgehaven	EXPIRE	-50
Lodi West	57	-57
Vintner's Square	200	200
Sasaki Property	3	3
TOTAL	203	203

Single-Family Projects

- Lodi West is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project forfeit its 57 medium-density allocations and be awarded 41 allocations, which is all of the allocations needed to complete the development.
- Sasaki Property contains a new single-family development plan project for review this year. The Planning Commission recommends to the City Council that this project receive 60 single-family allocations, which is enough to complete the development.

Medium-Density Projects

- Vintner's Square Apartment Complex. The Planning Commission recommends to the City Council that this project receive 200 medium-density allocations which is enough to complete the development.
- Sasaki Property. The Planning Commission recommends to the City Council that this project receive 3 medium-density allocations which added to their existing 100 is enough to complete the development.

Recommended Expirations

- Lodi Estates. Staff recommends that the Planning Commission recommend to the City Council that this project's development plan and 100 single-family allocations be expired and put back into the allocation pool.
- Hutchins Village. The Planning Commission recommends to the City Council that this project's development plan and 5 single-family allocations be expired and put back into the allocation pool.
- Bridgehaven. The Planning Commission recommends to the City Council that this project's development plan and 50 medium-density allocations be expired and put back into the allocation.

Hearing Opened to the Public

1. There were no persons wishing to speak regarding this matter.

Public Portion of Hearing Closed

ACTION:

Community Development Director Bartlam indicated that because of the Council's action regarding Vintner's Square, this item should be excluded from the proposed allocations.

Mr. Bartlam responded to questions regarding the subject matter as were posed by the City Council.

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 98-190 approving the 1998 Growth Management Allocations and Expirations; however, excluding the 200 allocations requested for Vintner's Square.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider a Resolution of Intention to levy annual assessment for Downtown Lodi Business Improvement Area No. 1.

City Attorney Hays reminded the City Council, that at the meeting of November 18, 1998, the Business Improvement Area Annual Report was presented to the Council. The City Council adopted a Resolution of Intention accepting that report and establishing December 16, 1998 as the time and date for the public hearing to be held on the proposed levy for the Business Improvement Area purposes. That hearing is called for and set pursuant to §36535 of the California Streets and Highways Code. At the hearing, the public has an opportunity to present written or oral protests to the proposed assessment. In order for such a protest to be successful, the protest must comply with the provisions of §36524 and §35525 of the California Streets and Highways Code. For an Assessment protest to be successful, written protests must be received from the owners of businesses in the improvement area which will pay fifty percent or more of the assessments proposed to be levied. If such a level of protest is not reached, a Resolution should be adopted by the Council confirming the report as originally filed or as changed by it. The adoption of such a resolution constitutes the levy of the assessment for the BIA for calendar year 1999.

Questions were posed by members of the City Council regarding the matter, including the phasing out of the City-funded position.

Hearing Opened to the Public

1. Alan Goldberg, Chairman of the Downtown Lodi Business Partnership, addressed the City Council regarding the 1999 Annual Report and responded to questions regarding the matter as were posed by members of the City Council.
2. Connie Riggs, 15 West Oak Street, Lodi, spoke in opposition.
3. Clay Sayler, 1034 Lake Home Drive, Lodi, stated that he has paid for three revitalizations: the first time he got trees, the second time trees and pots, and now they improved the street, but there are no flags and no Christmas decorations. Mr. Sayler stated that the downtown does look clean, and voiced his objection that his unpaid assessment went to a bill collector.

Public Portion of Hearing Closed

ACTION:

Additional questions were posed by members of the City Council. Mr. Sayler was given a copy of the Downtown Lodi Business Partnership Budget, and it was suggested that he might consider putting his name in to serve on the Board.

The City Council, on motion of Council Member Pennino, Mann second, unanimously adopted Resolution No. 191 entitled, "A Resolution of the City Council of the City of Lodi Confirming the 1999 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and Levy of Assessment".

14. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously rejected the following claim:

1. Leone Blele, date of loss 4/30/98

- b) The City Council, on motion of Council Member Pennino, Land second, unanimously made the following reappointments to various boards and commissions:

Senior Citizens Commission

Richard Sanford Term to expire December 31, 2002

Site Plan and Architectural Review Committee

Keith Selleseth Term to expire January 1, 2003

- c) The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously directed the City Clerk to post for the following vacancy:

East Side Improvement Committee

Joann Mounce Term to expire March 1, 2001

15. **REGULAR CALENDAR**

None.

16. **ORDINANCES**

None.

17. **MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION (PIC)**

Mayor Land adjourned the City Council meeting to a meeting of the Lodi Public Improvement Corporation (PIC). The meeting was called to order by Vice President Land, and Secretary Reimche recorded roll.

The Corporation, on motion of Pennino, Nakanishi second, unanimously adopted Resolution No. 98-1 electing the following new officers for 1999:

- Keith Land - President
- Stephen J. Mann - Vice President
- Alice M. Reimche - Secretary
- Vicky McAthie - Treasurer

There being no further business to come before the Corporation, President Land adjourned the meeting of the PIC and reconvened the City Council meeting.

18. **MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**

Mayor Land adjourned the City Council meeting to a meeting of the Industrial Development Authority (IDA). The meeting was called to order by Vice Chairperson Land, and Secretary Reimche recorded roll.

The Authority, on motion of Pennino, Nakanishi second, unanimously adopted Resolution No. IDA-18 electing the following new officers for 1999:

- Keith Land - Chairperson
- Stephen J. Mann - Vice Chairperson
- Alice M. Reimche - Secretary
- Vicky McAthie - Treasurer

There being no further business to come before the Authority, Chairperson Land adjourned the meeting of the IDA and reconvened the City Council meeting.

19. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Roger Stafford, 801 North Mills Avenue, Lodi, addressed the City Council stating that he was concerned about the statement made this evening during public testimony regarding the Vintner's Square Complex that apartment dwellers are not quality people. Mr. Stafford stated that his son, who is a professional starting his career, lives in an apartment because at this time he cannot afford a home. Mr. Stafford stated that we do have quality apartments in Lodi. He completed his comments by stating that he is concerned that the City look toward specific sites which apartment complexes could be located in Lodi.

20. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock offered her deepest sympathy to the family of fallen Officer Rick Cromwell and stated that it was a very moving service today.

Council Member Hitchcock expressed her appreciation to Mr. and Mrs. Donald Wong for offering the City their property located at 100 East Pine Street.

Finally, Ms. Hitchcock stated that she is serious about forming a coalition to try to solve school overcrowding problems stating that we have an obligation to preserve the quality of life and to take a proactive position together to solve these problems. Council Member Hitchcock suggested that Community Development Director Bartlam and Public Works Director Prima be a part of the proposed coalition. City Manager Flynn indicated that he would take her comments and suggestions under advisement.

- b) City Manager Flynn wished everyone a Merry Christmas and Happy New Year.

Mr. Flynn then went over the calendar for various meetings involving Council Members during the next few weeks.

Finally Mr. Flynn indicated that on January 4th at 10:00 a.m. San Joaquin County Board of Supervisor Elect Jack Sieglock will be sworn into office.

- c) Mayor Land wished everyone a very Merry Christmas and a Happy New Year and thanked the community for its wonderful support for fallen Officer Cromwell and his family.

21. CLOSED SESSION

Mayor Land announced that there was no need to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. People of the State of California; and the City of Lodi, California v. Randtron, a dissolved California Corporation, Oldco Holz, Inc., a suspended, bankrupt, and defunct California Corporation, to the extent of their interest in the combined single limits of liability coverage under certain policies of insurance issued by Employers Insurance Of Wausau, A Mutual Company, United States District Court, Eastern District of California Case No. CIV-598-0620(DFL)(DAD)
- b) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN

Continued December 16, 1998

22. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 1:02 a.m., Thursday, December 17, 1998.

ATTEST:

Alice M. Reimche
City Clerk